IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO.19757 OF 2006

Date of decision : December 14, 2006

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Satpal and another .....Petitioners

Vs.

HUDA & another .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. R.K Malik, Advocate for the petitioners.

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Viney Mittal, J. (Oral)

Notice of motion to the respondents.

On the asking of the Court, Sh. Ashok Jindal, Additional Advocate General, Haryana accepts notice on behalf of the respondents.

Copies of the writ petition have been supplied to the learned counsel for the petitioners.

The petitioners have approached this Court challenging the policy Annexure P-5 dated March 12, 1993 inasmuch as the said policy envisages the allotment of only one plot to all the co-sharers whose land has been acquired. It has been averred by the petitioners that the aforesaid policy operates very harshly and unreasonably in the case of many persons such as the petitioners.

Learned counsel appearing for the petitioners, Mr. R.K Malik, Advocate has vehemently contended that in many cases, for generations

together, the land between the co-sharers has not been partitioned resulting into many of the families being reflected as the co-owners, qua the land, although such families had been living separately for many generations.

According to Sh. Malik, in such situations, it is not possible for a land owner to obtain No Objection Certificate from such stranger co-sharers, as such stranger co-sharers had absolutely no concern with the acquired land. On that basis, learned counsel has contended that the requirements contained in the policy Annexure P-5 are totally arbitrary and operate very harshly and therefore, are liable to be set aside.

After hearing learned counsel for the petitioners at some length and also taking into consideration the various pleas raised by the petitioners in the present petition, we find that since the petitioners have challenged the policy Annexure P-5, therefore it would be appropriate for them to approach the HUDA authorities by bringing all the hardships which have been enumerated in the petition qua which the contentions have been raised on behalf of the petitioners by their learned counsel.

Consequently, we dispose of the present petition with a liberty to the petitioners to file a detailed and comprehensive representation before the Chief Administrator, HUDA-respondent no.1 by appending all the relevant documents. If any such representation is filed by the petitioners within a period of one month from the date a certified copy of this order is received, then the Chief Administrator, HUDA is requested to look into the matter and take such appropriate action as may be required in the facts and circumstances of the case, by passing a detailed and speaking order, as expeditiously as possible and also by affording an opportunity of hearing to the petitioners or their authorized representative.

Copy of the order be given dasti on payment of the usual charges.

(VINEY MITTAL)
JUDGE

December 14, 2006
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(H.S BHALLA)
JUDGE